THE

MUNICIPAL BALLOT ACT.

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MUNICIPAL ELECTIONS.

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Meeting for nomination of mayor, reeve, deputy reeves, etc.

107. A meeting of the electors shall take place for the nomination of candidates for the office of Mayor in Cities, and for Mayor, Reeve, and Deputy Reeves in Towns, at the Hall of the Municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the Deputy Reeves shall be designated as first, second, third, etc., according to the number to be elected. R. S. O. c. 184, s. 107. (46 V. c. 18, s. 107.)

The clerk to preside.

Chairman.

108. The Clerk of the Municipality shall be the Returning Officer to preside at such a meeting, or in case of his absence the Council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate from among themselves, and such Clerk or chairman shall have all the powers of a Returning Officer. R. S. O. c. 184, s. 108. (46 V. c. 18, s. 108.)

Meetings in cities, towns, etc., for nomination of aldermen, etc.

109. A meeting of the electors shall take place for the nomination of candidates for the offices of Aldermen in Cities, Councillors in Towns, and of Reeves, Deputy Reeves and Councillors in Townships not divided into Wards, and incorporated Villages, at noon, on the last Monday in December, annually at the Town Halt of such Municipalities, or at such place therein, and in Cities and Towns at such places in each Ward thereof, as may from time to time

be fixed by by-law, subject in the case of townships to the provisions of section 111; and the Deputy Reeves shall be designated as first, second, third, &c., according to the number to be elected. R. S. O. c. 184, s. 109 (46 V. c. 18, s. 109.

In Townships divided into wards.

110. In Townships divided into Wards the nomination of candidates for the office of Reeve shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the Township as may from time to time be fixed by by-law, and the Township Clerk shall preside; The nomination of candidates for the office of Councillor, to be elected for each Ward, shall take place at noon, at the Town Hall of the Township, or at such place in the Township or in each Ward, as may be fixed by by-law; subject however, to the provisions of sec. 111. R. S. O. c. 184, s. 150. (46 V. c. 18, s. 110.)

Place of meeting for nomination of reeves, &c.

111. Where a township is so situated that the territory of such township adjoins the limits of any city, town, or incorporated village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeves, deputy reeves, and councillors, as the case may be, under and in accordance with the provisions of the preceding two sections of this Act. R. S. O. c. 184. (48 V. c. 39, s. 5.)

If nomination day falls on Christmas day.

112. When the last Monday in December happens to be Christmas Day, the nomination of candidates for the offices of Mayor and Aldermen in Cities, and of Mayor, Reeve, Deputy Reeve and Councillors in other Municipalities shall take plabe on the preceding Friday, at the times and places, and in the manner prescribed by law. R. S. O. c. 184. (46 V. c. 18 s. 111.)

County council may by by-law lengthen time between nomination and polling in townships.

Copy of by-law to be sent to townships affected.

113. (1) Every County Council may by by-law, made on or before the first day of July in any year, provide that the day for the nomination of candidates for Reeve, Deputy Reeves, and Councillors in Townships shall be upon the last Monday but one in December, but all the other provisions of law relating to Municipal elections shall apply to the elections in such Townships.

(2) Forthwith after the passing of such by-law, the County Clerk shall transmit a copy thereof to the Clerks of the Townships to which the same relates. R. S. O. c. 184. (40 V. c. 18, s. 112.)

Presiding officer.

114. The Returning Officer appointed for each Ward as in section 97 mentioned, or the clerk, as the case may be, shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman. R. S. O. c. 184. (46 V. c. 18, s. 113.)

Notice of nomination meeting.

115. The Clerk or other Returning Officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days notice of such meeting. R. S. O. c. 184. (46 V. c. 18, s. 114.)

Nomination and proceedings incident thereto.

116. At the said meetings the person or persons to fill each office shall be proposed and seconded *seriatim*; and if only one candidate for any particular office is proposed, the Clerk or other Returning Officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates are proposed

Poll—when and where to be held.

for any particular office, and if a poll is required by them respectively, or by any elector, the Clerk or other Returning Officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each Ward or polling subdivision, at such place or places respectively as may be fixed by the by-law of the said Councils for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. R. S. O. c. 184. (46 V. c. 18, s. 115.)

Resignation of persons proposed for office at nomination meeting is

117. At the nomination meeting or at any time within two days thereafter, any person proposed for one or more offices may resign or elect for which office he is to remain nominated; and in default, he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the Clerk or other Returning Officer or Chairman shall, on the day following that of the nomination, post up in the office of the Clerk of the Municipality the names of the persons proposed for the respective offices; provided always, that the resignation after the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness, and shall, within said two days, be delivered to the Clerk of the Municipality; provided, also, that if by reason of such resignation only one candidate remains proposed for a particular office, the clerk or other returning officer shall declare such candidate duly elected for such office. R. S. O. c. 186. (47 V. c. 32, s. 5.)

Proviso.

Votes to be by ballot.

118. In case of a poll at an election of persons to serve in Municipal Councils, the votes shall be given by ballot. R. S. O. c. 184, 46 V. c. 18, s. 117.)

LIST OF DEFAULTERS IN PAYMENT OF TAXES.

Preparation of list of defaulters.

119.—(1) On or before the day of nomination of candidates if the Collector's roll has been returned to the Treasurer of the Municipality, the Treasurer shall prepare and verify on oath, or if the Collector's roll has not been so returned, the Collector shall prepare and verify on oath, a correct alphabetical list of—

(*a*) All persons who, being on the voter's list (that is to say, the first and second parts thereof) by reason of their income only, have not paid their municipal taxes on such income, on or before the fourteenth day of December preceding the election; and—

(*b*) In Municipalities which have passed by-laws under sub-section two of section 489 of this Act, all persons on the voters' list (that is to say the first and second parts thereof) who have been assessed for real property, but have not paid their municipal taxes on such property on or before the fourteenth day of December preceding the election.

List to be made for each polling division.

(2) Where a Municipality is divided into polling sub-divisions, such a list of defaulters shall be made for each polling sub-division.

Certified copies to be published.

(3) The person preparing the said defaulter's lists shall furnish to all persons applying for the same, certified copies thereof and of the affidavit verifying the same, in the same manner, and for the same compensation as copies of the voters' list are to be furnished. R. S. O. c. 184, s. 119. (46 V. c. 18, s. 118).

BALLOT BOXES.

Ballot boxes to be furnished.

120.—(1) Where a poll is required, the Clerk of the Municipality shall procure or cause to be procured as many boxes (herein called ballot boxes) as there are Wards or polling subdivisions within the Municipality.

How made.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

Delivery of to deputy returning officers.

(3) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the Clerk of the Municipality, two days at least before the polling day, to deliver one of the ballot boxes to every Deputy Returning Officer appointed for the purposes of the election.

Clerk to preserve boxes for future elections.

(4) The ballot boxes when returned to the Clerk after the election shall be preserved by him for use at elections for the Municipality; and it shall be the duty of the Clerk to have ready for use, at all times, as many ballot boxes as there are Wards or polling subdivision in the Municipality.

Penalty on failure to furnish boxes.

(5) If the Clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of $100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Deputy returning officers to poocure boxes when not supplied.

(6) It shall be the duty of the Deputy Returning Officer in every Ward or polling subdivision not supplied with a ballot box within the time prescribed, forthwith, to procure one to be made, and he may issue his order upon the Treasurer of the Municipality in which such Ward or polling subdivision is situate, for the cost of the ballot box, and the Treasurer shall pay to the Deputy Returning Officer the amount of the order. R. S. O. c. 184, 46 V. c. 18, s. 19.

BALLOT PAPERS.

Ballot papers to be printed.

121.—(1) Where a poll is required, the Clerk of the Municipality shall forthwith cause to be printed, at the expense of the Municipality, such a number of ballot papers as will be sufficient for the purposes of the election.

Contents and form of ballot papers.

(2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names. R. S. O. c. 18, (46 V. c. 18, s. 120.)

Different sets of ballot papers to be prepared.

122.—(1) The names of the candidates for Mayor in Cities, and for Mayor, Reeve, and Deputy Reeves in Towns, shall not be included in the same ballot paper with the names of the candidates for Aldermen and Councillors respectively; but

In cities.

(2) In Cities one kind or set of ballot papers shall be prepared for all the Wards or polling subdivisions, containing the names of the candidates for Mayor, and another kind or set shall be prepared for each Ward or polling subdivisions containing the names of the candidates for Aldermen in the Ward; and

In towns.

(3) In Towns one kind or set of ballot papers shall be prepared for all the Wards or polling subdivisions, containing the names of the candidates for Mayor and Reeve and Deputy Reeve, and another kind or set shall be prepared for each Ward or polling subdivision containing the names of the candidates for Councillors in the Ward ; and

In Townships divided into wards.

(4) In Townships divided into Wards one kind or set of ballot papers shall be prepared for all the wards, containing the names of the candidates for Reeve, and another kind or set shall be prepared for each Ward, containing the names of the candidates for Councillors in the Ward. R. S. O. c. 184. (46 V. c. 18, s. 121.

Form of ballot papers.

123. The ballot papers shall be in the form of Schedule A to this Act. R. S. O. c. 184. (46 V. c. 18 s. 122.)

POLLING PLACES.

Clerk to furnish deputy returning officers with ballot paprrs, etc.

124. In case of Municipalities which are divided into Wards or polling subdivislons the Clerk of the Municipality shall before the opening of the Poll, deliver or cause to be delivered to every Deputy Returning Officer the ballot papers which have been prepared for use in the Ward or polling subdivision for which such Deputy Returning Officer has been appointed to act, and shall also furnish to the Deputy Returning Officer or see that he is furnished with the necessary materials for voters to mark the ballot papers ; and such materials shall be kept at the polling place by the Deputy Returning Officer for the convenient use of voters. R. S. O. c. 182. (46 V. c. 18, s. 123.)

Compartment wherein voters may mark votes.

125. Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation ; and it shall be the duty of the Clerk of the Municipality and Deputy Returning Officers respectively, to see that a proper compartment for that purpose is provided at each polling place. R. S. O. c. 184. (46 V. c. 18, s. 124.)

DIRECTIONS TO VOTERS.

Clerk to furnish deputy returning officers with directions for voters' guidance.

126. In case of Municipalities divided into Wards or polling subdivisions, the Clerk of the Municipality shall, before the poll, deliver or cause to be delivered to every Deputy Returning Officer, such a number of printed directions for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions ; such directions shall be printed in conspicuous characters. and may be according to the form in Schedule B to this Act. R. S. O. c. 184, s. 126. (46 V. c. 18, s. 126.

Deputy returning officer to placard the directions.

127. Every Deputy Returning Officer shall before the opening of the poll, or immediately after he has received such printed directions from the Clerk of the Municipality, if he did not receive the same before the opening of the poll, cause such printed directions to be placarded out side the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R. S. O. c. 184, s. 127. (46 V. c. 18, s. 126.)

VOTERS' AND DEFAULTERS' LISTS.

Proper voters' list to be used at an election.

128. Subject to the provisions of the next following three sections the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace under "*The Voters' Lists Act.*" R. S. O. c. 184. (46 V. c. 18, s. 127.) R. S O. c. 8.

For first election in new municipality

129. For the first election of a new Municipality, for which there is no separate assessment roll, the Clerk of the Municipality shall provide each Deputy Returning Officer with a poll book, prepared according to the form of Schedule C to this Act instead of a voters' list, and either the Deputy Returning Officer or his sworn Poll Clerk shall therein enter, in the proper column, the name of every person offering to vote, and at the request of any candidate or voter, shall note the property on which the person claims to vote opposite his name. R. S. O. c. 184, s. 129. (46 V. c. 18, s. 128.)

Voters' lists in cases under section 84.

130.—(1) Where any territory is added, for Municipal purposes, to any City, Town, or Village, or where a Town with additional territory is erected into a City, or a Village with additional territory is erected into a Town, or where a new Village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out, or before such lists are certified by the County Judge—in all such cases the Clerk of the new or enlarged City, Town, or Village shall extract the names of the several persons who would be entitled to vote in the territory composing or added to (as the case may be) the City, Town, or Village if such territory had remained separate from the City, Town, or Village from the last filed or certified voters' list of the Municipality or Municipalities, to which such territory formerly belonged, containing the names of the persons entitled to vote in respect of such territory, and shall place such names in lists or supplementary lists (as the case may be).

Form of supplementary lists.

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the Clerk, and delivered by him to the proper Deputy Returning Officers for the purpose of enabling the persons named in such lists to vote at the election. R. S. O. c. 184. (46 V. c. 18, s. 129.)

List of Voters.

131.—(1) In any Municipality for which there is a separate assessment roll, but for which no voters' list for the Municipality has been filed with the Clerk of the Peace or certified by the County Judge under "*The Voters' Lists Act,*" the Clerk of the Municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every or any Ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled to vote in that Ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand. Rev. Sta'. c. 8.

(2) In the case of—

(*a*) Income voters, and

Persons in arrears for taxes shall be excluded from list.

(*b*) Persons assessed for real property, if the Municipality has passed a by-law under sub-section 2 of section 489 of this Act, the Clerk shall exclude from such list such persons as may be returned to him by the Treasurer as being in default for not having paid their municipal taxes respectively on or before the fourteenth day of December preceding the election ; and every list of voters so prepared shall be the proper voters' list to be used at the election. R. S. O. c. 184, s. 131. (46 V. c. 18, s. 130.)

Delivery of copies of voters' list and defaulters' list to deputy returning officers.

132. In the case of Municipalities which are divided into Wards or polling subdivisions, the Clerk of the Municipality shall, before the poll is opened, deliver to the Deputy Returning Officer for every Ward or polling subdivision, a copy according to the form of Schedule C to this Act, certified to be correct, of the proper list of voters for the Ward or polling subdivision under section 128 and following sections, and also a copy of the proper defaulters' list for the polling subdivision, certified by the Treasurer or Collector, pursuant to section 119 of this Act. R. S. O. c. 184, s. 132. (46 V. c. 18, s. 131.)

Copies may be prepared by clerk of municipality or procured from clerk of peace

Rev. Stat. c. 8.

133. The copies of the voters' lists in the next preceding section mentioned, may be prepared by the Clerk of the Municipality, or may be procured from the Clerk of the Peace, if filed under "*The Voters' Lists Act*," and in the latter case the Clerk of the Peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. R. S. O. c. 184. (46 V. c. 18, s. 132.)

Defaulters' list to be evidence for deputy returning officer as to payment of taxes.

134. The defaulters' lists furnished and verified by the Treasurer or Collector as aforesaid, shall be the evidence on which the Deputy Returning Officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 119 of this Act. R. S. O. c. 184. (46 V. c. 18, s. 133.)

CERTIFICATES AS TO THE ASSESSMENT ROLL.

Clerk to give certificate of dates of return and final revision of assessment roll.

135.—(1) The Clerk of the Municipality shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer a certificate (which may be in the form of Schedule D to this Act), of (*a*) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the Assessor, and also (*b*) of the day when the said assessment roll was finally revised and corrected.

Fee for certificates.

Penalty for neglect.

(2) The Clerk shall also give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of $200 in case of neglect or refusal.

To be evidence of such date at the poll.

(3) The certificate, when delivered to the Deputy Returning Officers, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll, as the case may be.

When assessment roll to be considered as finally revised and corrected.

Rev. Stat. c. 193.

(4) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the Municipality, or by the Judge of the County Court in case of an appeal, as provided by "*The Assessment Act*," or when the time during which such appeal may be made has elapsed, and not before. R. S. O. c. 184. (46 V. c. 18, s. 134.)

MUNICIPALITIES NOT DIVIDED INTO WARDS.

In Municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy returning officers.

136. In case of Municipalities which are not divided into Wards or polling subdivisions, the Clerk shall perform the duties which in other cases are performed by Deputy Returning Officers, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, printed directions before mentioned, copies of the voters' list and defaulters' list, and certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to Deputy Returning Officers ; and the Clerk shall perform the like duties with respect to the whole Municipality as are imposed upon a Deputy Returning Officer in respect of a Ward or polling subdivision. R. S. O. c. 184. (46 V. c. 18, s. 135.)

WHERE ELECTORS MAY VOTE.

Voting in towns and cities.

137. In Towns and Cities, every elector may vote in each Ward in which he has been rated for the necessary property qualification, but in case of Mayor of Cities, Mayor, Reeve, or Deputy Reeve of Towns, the elector is limited to one vote. R. S. O. c. 184. (46 V. c. 18, s. 136.)

Voting in townships and villages.

138. In Townships and incorporated Villages divided into Wards or Polling subdivisions, no elector shall vote in more than one Ward or polling subdivision for the same candidate. R. S. O. c. 184. (46 V. c. 18, s. 137.)

Where persons are to vote for mayor, reeve, and deputy reeve.

139. Every elector who is entitled to vote in more than one Ward or polling subdivision shall vote for Mayor in Cities, and for Mayor, Reeve, and Deputy Reeve in Towns, and for Reeve in Townships divided into Wards, at the polling place of the Ward or polling subdivision in which he is resident, if qualified to vote therein ; or when he is a non-resident or is not entitled to vote in the ward or polling sub-division where he resides, then where he first votes, and there only. R. S. O. c. 184. (46 V. c. 18, s. 138.) 50 V. c. 29 s. 5.

Penalty for voting twice for mayor, reeve, or deputy reeve.

140. (1) Any person who votes for Mayor, Reeve, or in Towns or Townships for Deputy Reeve, after having already voted for Mayor, Reeve, or Deputy Reeve at some other polling place at that election, shall incur a penalty of $50, to be recovered, with full costs of suit, by any person who will sue for the same in the Division Court having jurisdiction where the offence was committed ; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections. R. S. O. c. 184. (46 V. c. 18, s. 139.)

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. R. S. O. c. 184. (50 V. c. 29, s. 6.)

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

141. (1) The Clerk of the Municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day ; and such certificate shall also state the property or other qualification in respect of whic he his entitled to vote.

Right to vote on production of certificate.

(2) On the production of such certificate, such Deputy Returning Officer, Poll Clerk or agent, shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote; and the Deputy Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling place unless he has been actually engaged as such Deputy Returning Officer, Poll Clerk, or agent during the day of polling; nor to vote for Aldermen in Cities, or Councillors in Municipalities divided into Wards except in the Ward where he would otherwise be entitled so to vote.

Who to administer oath.

(3) In case of a Deputy Returning Officer voting at the polling station where he has been appointed, the Poll Clerk appointed to act at the polling place, or in the absence of the Poll Clerk, any elector authorized to be present, may administer to such Deputy Returning Officer the oath required by law to be taken by voters. R. S. O. c. 184. (46 V. c. 18, s. 140.)

THE POLL.

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Deputy returning officer to shew box empty to persons present and then lock and seal it.

142. The Deputy Returning Officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place the box in view for the receipt of ballot papers, and shall keep it so locked and sealed. S. S. O. c. 184. (46 V. c. 18, s. 141.)

Proceedings by deputy returning officer on tender of vote.

143. Where any person claiming to be entitled to vote presents himself for the purpose of voting, the Deputy Returning Officer shall proceed as follows:

Name

(1) He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the ward or polling subdivision for which such Deputy Returning Officer is appointed to act.

Recording.

(2) He shall record or cause to be recorded in the proper column of the voter's list the residence and the legal addition of such person.

Oath.

(3) If such person takes the oath or affirmation required to be taken by voters in the manner directed by sections 102 to 105 inclusive of this Act, the Deputy returning Officer shall enter or cause to be entered opposite such person's name, in the proper column of the said voters' list, the word "*Sworn*," or "*Affirmed*," according to the fact.

Objections

(4) Where the vote is objected to by any candidate or his agent, the Deputy Returning Officer shall enter the objection, or cause the same to be entered in the voters' list, by writing opposite the name of such person in the proper column, the words "*Objected to*," stating at the same time by which candidate or on behalf of which candidate the objection has been made, by adding after the words "*Objected to*," the name only of such candidate.

Refusal to take the oath.

(5) Where such a person as aforesaid has been required to take the oath or affimation, and refuses to take the same, the Deputy Returning Officer shall enter or cause to be entered opposite the name of such person in the proper column of the voters' list, the words "*Refused to be sworn,*" or "*Refused to affirm,*" according to the fact; and the vote of such person shall not be taken or received; and if the Deputy Returning Officer takes or receives such vote, or causes the same to be taken or received he shall incur a penalty of $200.

Deputy returning officer to sign name on ballot paper.

(6) Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the Deputy Returning Officer shall sign his name or initials upon the back of the ballot paper.

Delivery of peper to voter.

(7) The ballot paper shall be delivered to such person.

Deputy returning officer to explain mode of voting.

(8) The Deputy Returning Officer may, and upon request shall either personally or through his sworn Poll Clerk, explain to the voter as concisely as possible, the mode of voting. R. S. O. c. 184. (46 V. c. 18, s. 142.)

Deputy returning officer refusing etc, to initial ballot paper.

144. Every Deputy Returning Officer refusing or wilfully omitting to sign his name or initials upon the back of the ballot paper as provided for by sub-section six of section 143 of this Act, shall forfeit to any person aggrieved by such refusal, or omission, the sum of $10, in respect of every ballot paper deposited at his polling subdivision, upon which the said Deputy Returning Officer has not signed his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by section 214 of this Act. R. S. O. c. 184. (46 V. c. 18, s. 144.)

Deputy returning officer to note in list voters to whom ballot papers given.

145. The Deputy Returning Officer shall place or cause to be placed in the columns of the voters' list, headed "*Mayor,*" "*Reeve,*" (or "*Mayor and Reeve*"), "*Alderman,*" and "*Counellor,*" as the case may be, his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for Mayor, Reeve, Alderman, or Councillor, as the case may be. R. S. O. c. 184. (46 V. c. 18, s. 144.

Marking ballot paper.

146. Upon receiving from the Deputy Returning Officer the ballot paper so prepared as aforesaid the person receiving the same shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act, by placing a cross, thus +, on the right-hand side, opposite the name of any candidate for whom he desires to to vote, or at any other place within the division which contains the name of such candidate, and he shall then fold the ballot paper across so as to conceal the names of the candidates, and the marks upon the face of such paper, and so as to expose the initials of the deputy Returning Officer, and leaving the compartment, shall, without delay, and withott shewing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the Deputy Returning Officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates or the marks made by the elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled

to be present and then present in the polling place; and the voter shall forthwith leave the polling place. R. S. O. c. 184. (46 V. c. 18, s. 145.)

Exclusion from balloting compartment.

147. While any voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. R. S. O. c. 184. (46 V. c. 28, s. 146.)

Voter not to take his ballot paper from polling place.

148. No person who has received a ballot paper from the Deputy Returning Officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the Deputy Returning Officer in the manner prescribed, sha l thereby forfeit his right to vote; and the Deputy Returning Officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same, declining to vote as the case may be; and in the latter case the Deputy Returning Officer shall immediatcly write the word "declined" upon such ballot paper, and shall preserve the same; and in case the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall return said ballot paper to the Clerk of the Municipality, as hereinafter directed. R. S. O. c. 184. (46 V. c. 18, s. 147.)

Proceedings in case of incapacity to mark ballot paper.

149. In case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows—:

(1) The Deputy returning Officer shall in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person and shall place the ballot paper in the ballot box

(2) The Deputy Returnlng Officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper colmmn of the voters' list, that the vote of such person is marked iu pursuance of this section, and the reason why it is so marked.

(3) The declaration of inability to read, or of incapacity to mark a ballot paper may be in the form of Schedule E. to this Act, and shall be made by the person claiming to be entliled to vote, at the time of the polling, before the Deputy Returning Officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act, and the said declaration shall be given to the Deputy Returning Officer at the time of voting. R. S. O. c. 184, (46 V. c. 18, s. 148.)

Proceedings in case ballot paper can-not be used.

150. A person claiming to be entitled to vote who hLs inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the Deputy Returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Deputy Returning Officer, obtain another ballot paper in the place of the

ballot paper so delivered up, and the Deputy Returning Officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same; and in case the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall return the ballot paper to the Clerk of the Municipality, as hereinafter directed. R. S. O. c. 184. (46 V. c. 18, s. 149.)

Who may be present at pollingplace.

151. During the time for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerks, or agents authorized to attend at the polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the Deputy Returning Officer to have present, or to summon to his assistance in the polling place, any police constable or peace officer for the purpose of maintaining order, or preserving the public peace or preventing any breach thereof, or of removing any person or persons who may, in the opinion of the Deputy Returning Officer, be obstructing the polling or wilfully violating any of the provisions of this Act. R. S. O. c. 184. (46 V. c. 18, s. 150).

Counting the votes.

152. Immediately after the close of the poll in every polling place, the Deputy Returning Officer, shall in the presence of the Poll Clerk (if any) and of such of the candidates or of their Agents as may then be present, open the ballot box and proceed to count the votes as follows:—

Rejected ballots.

(1) He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the Deputy Returning Officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the Deputy Returning Officer on the back is written or marked, by which the voter can be identified, shall be void, and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void, as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

Deputy returning officer to note objections taken to ballot papers at the counting and number objection and ballot paper to correspond.

(2) The Deputy Returning Officer shall take a note of any objection made by a candidate, his agent, or any elector, authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

(3) Every objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer.

Endorsing ballot paper.

(4) The Deputy Returning Officer shall endorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall endorse "*Rejection objected to*," if any objection is made to his decision.

Statement.

(3) The Deputy Returning Officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the

number of votes given for each candidate, and the number of ballot papers rejected and not counted by him, which shall be made under the several heads—

(*a*) Name or number of Ward or polling sub-division and of the Municipality and the date of election;

(*b*) Number of votes for each candidate;

(*c*) Rejected ballot papers.

Statement to be signed.

(6) Upon the completion of such written statement, it shall be signed by the Deputy Returning Officer, the Poll Clerk, if any, and such of the candidates or their agents as may be present and desire to sign such statement. R. S. O. c. 184. (46 V. c. 18, s. 151.)

Agents entitled to be present.

153. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. R. S. O. c. 184. (46 V. c. 18, s. 152.)

Deputy returning officer to give certificate of state of poll.

154. Every Deputy Returning Officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers. R. S. O. c. 184. (46 V. c. 18, s. 153.)

Deputy returning officer's duties after votes are counted.

155.—(1) Every Deputy Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the Deputy Returning Officer, and of the Ward or polling subdivision and Municipality;

(*a*) The statement of votes given for each candidate and of the rejected ballot papers;

(*b*) The used ballot papers which have not been objected to and have been counted;

(*c*) The ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer;

(*d*) The rejected ballot papers;

(*e*) The spoiled ballot papers;

(*f*) The unused ballot papers;

(*g*) A statement of the number of voters whose votes are marked by the Deputy Returning Officer under the heads "Physical incapacity," and "Unable to read," with the declaration of inability; and the notes taken of objections made to ballot papers found in the ballot box.

Declaration by deputy returning officer as to use of voters list.

(2) Before returning the voters' lists to the Clerk of the Municipality, the Deputy Returning Officer shall make and subscribe before such Clerk, or a Justice of the Peace, or the Poll Clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made ; which declaration shall be in form of Schedule G to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time in presence of the Clerk by any elector of the Municipality.

Packets of ballot papers, etc, to be delivered to the clerk of municipality.

(3) If the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall forthwith deliver such packets personally to the Clerk of the Municipality ; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the Clerk ; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor ; he shall also forthwith return the ballot box to the Clerk of the Municipality.

Statement to be made by deputy returning officer on return of ballot papers, etc.

(4) The packets shall be accompanied by a statement made by the Deputy Returning Officer shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted ; (2) Rejected ; (3) Unused ; (4) Spoiled ; (5) Ballot papers given to voters who afterwards returned the same, declining to vote ; and (6) Ballot papers taken from the polling place ; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

If dispute as to result arises, how to be settled.

(5) If the Deputy Returning Officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the Deputy Returning Officer, the packages of ballot papers shall be broken open by the Clerk of the Municipality, in the presence of the Deputy Returning Officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed and of which they have been notified by the Deputy Returning Officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the Clerk of the Municipality ; and the Clerk of the Municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned ; and the Clerk of the Municipality shall forthwith, in the presence of the Deputy Returning Officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before. R. S. O. c. 184. (46 V. c. 184, s. 154.)

Clerk to cast up votes and declare who is elected, etc.

156. The Clerk of the Municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements ; and shall, at the Town Hall, or, if there is no Town Hall, at some other public place, at noon on the

day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate. R. S. O. c. 184. (46 V. c. 18, s. 155.

In case of a tie clerk to have a casting vote.

157—(1) In case it appears upon the casting up of the votes as aforesaid that two or more candidates have an equal number of votes the Clerk of the Municipality or other person appointed by by-law to discharge his duties of Clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall at the time he declares the result of the poll. give a vote for one or more of such candidetes so as to decide the electiom.

but otherwise not to vote.

(2) Except in such case, no Clerk of the Municipality shall vote at any municipal election held in his Municipality. (See sec. 319, cap. 184 R. S. O.)

Deputy returning officers, etc., may vote if qualified.

(3) All Deputy Returning Officers and persons employed as Deputy Returning Officers and Poll Clerks, if otherwise qualified, shall be entitled to vote. R. S. O. c. 184. (46 V. c. 18, s. 156.)

Election not commenced or interrupted by reason of riot, etc, to be resumed.

158. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the Returning Officer or Deputy Returning Officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary for four days, until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. R. S. O. c. 184. (46 V. c. 18, s. 157.)

If election is prevented for four days, poll book is to be returned and a new election ordered.

159. In case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said twelve hours, the Returning Officer, or Deputy Returning Officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the Municipality, certifying the cause of there not having been an election ; and a new election shall take Place, and the head of the Municipality shall forthwith issue his warrant therefor. R. S. O. c. 184. (46 V. c. 18, s. 158.) See also sec. 181.

Declaration of election—duty of the Clerk.

160. When a poll has been duly held in each of such Wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the Clerk, have been so returned to him, the Clerk shall without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other Wards to be given for the candidate, and shall at noon on the next day at the Town Hall, or if there is no Town Hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled. R. S. O. c. 184. (46 V. c. 18, s. 159.)

Declaration and assumption of office.

161. The person or persons so elected shall make the necessary declarations of office and qualification and assume offiee accordingly. R. S. O. c. 184. (46 V. c. 18, s. 160.)

MISCELLANEOUS PROVISIONS.

Disposition of Ballot Papers. Sec. 162.
Inspection of Ballot Papers. Sec. 163.
Recount of Votes. Sec. 163—165.
Production of documents, how far evidence, etc. Sec. 166.
Offences and Penalties. Sec. 167, 168.
Secrecy of proceedings at polling places. Secs. 169—171.
Candidates may do Agents' duty. Sec. 172.
Non-attendance of Agents. Sec. 173.
Computation of time. Sec. 174.
Technical objections not to prevail. Sec. 175.
Expenses of Clerk of Municipality. Sec. 176.

Ballot papers, how disposed of.

162. The Clerk of the Municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by Deputy Returning Officers, and then, unless oteerwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the Municipality, and filed amongst the records of the Municipality by the said Clerk. R. S. O. c. 184. (46 V. c. 18, s. 161.

Ballot papers to be inspected only by order of a Court or Judge

163—(1) No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the Clerk of the Municipality.

Order may be subject to conditions.

(2) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient.

Re-count of votes by the County Judge.

(3) In case it is made to appear, on the affidavit of a credible person, to the County Judge of the County in which the Municipality is situated, at any time within fourteen days from the time the ballot papers are received by the Clerk of the Municipality, that a Deputy Returning Officer at any election in such Municipality for Mayor, Alderman, Reeve, Deputy Reeve, Councillor, or Water Commissioner, in counting the votes has improperly counted or rejected any ballot papers at such election, the said County Judge may appoint a time to recount the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to recount the same.

Deposit by applicant.

(4) At the time of the application for a re-count, the applicant shall deposit with the Clerk of the County Court the sum of $25 as security for the payment of costs, charges, and expenses that may become payable by the applicant, and the said sum shall not be paid out by the Clerk without the order of the Judge.

Who may be present on re-count.

(5) The County Judge, the Clerk of the Municipality with the ballot boxes, and each candidate and his agent appointed to attend the re-count of votes, and no other person except with the sanction of the County Judge, shall be present at the re-count of the votes.

Opening of packets

(6) At the time and place appointed the said County Judge shall proceed to re-count all the votes or ballot papers received by the Clerk of the Municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (*a*) the used ballot papers which have not been objected to and have been counted; (*b*) the ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer; (*c*) the rejected ballot papers; (*d*) the spoiled ballot papers; (*e*) the unused ballot papers, and in recounting the said votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

The re-count to be a continuous proceeding.

(7) The County Judge, shall, as far as practicable, proceed continuously with the re-count of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County Judge shall place the ballot papers and other documents relating to to the election under his own seal, and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents.

Procedure on recount.

(8) The County Judge shall proceed to re-count the vote as follows:

1. He shall examine the ballot papers.

2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the Deputy Returning Officer on the back is written or marked by which the voter can be identified, shall be void and shall not be counted, but a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

3. The County Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement in words as well as in figures of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following:

(*a*) Name of Municipality;
(*b*) Names of the candidates;
(*c*) Number of votes for each candidate;
(*d*) Papers wanting signature or initials of Deputy Returning Officer;
(*e*) Papers rejected as voting for more candidates than entitled to;
(*f*) Papers rejected as having a writing or mark by which voters could be identified;
(*g*) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of the recount, or as soon as he has thus ascertained the result of the poll, the County Judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the Clerk of the Municipality who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes, the Clerk of the Municipality shall have the casting vote as provided in section 157 of this Act. R. S. O. 184. (46 V. c. 18, s. 162.)

Existing remedies not affected.

164. Nothing in the preceeding section contained shall destroy or prevent any remedy which any person may now have under or by *quo warranto* or otherwise. R. S.O. 184. (46 V. c. 18, s. 163.

Costs of application.

165. (1) All costs, charges, and expenses of and incidental to an application for a re-count and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation of costs.

(2) The costs may be taxed in the same manuer, and according to the same principles as costs are taxed between solicitor and client in the County Court.

Recovery of costs.

(3) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and the non-payment thereof. R. S. O. 184. (46 V. c. 18, s. 164.)

Production documents and endorsement on ballot papers evidence for certain purposes.

166 Where a rule or order is made for the production by the Clerk of the Municipality, of any document in his possession relating to a specified election, the production of the document by the Clerk in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election ; and any endorsement appearing on any packet of ballot papers produced by the Clerk, shall be evidence of such papers being what they are stated to be by the endorsement. R. S. O. c. 184. (46 V. c. 18, s. 165.)

Offences.

167. (1) No person shall—

(*a*) Without due authority supply any ballot paper to any person ; or

(*b*) Fraudulently put into auy ballot box any paper other than the ballot paper, which he is authorized by law to put in ; or

(*c*) Fraudulently take out of the ballot place any ballot paper ; or

(*d*) Without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election.

(2) No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

(3) A person guilty of any violation of this section shall be liable, if he is the Clerk of the Municipality, to imprisonment for any term not exceeding two years, with or without hard labour ; and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour. R. S. O. 184. (46 V. c. 18, s. 166.)

Money penalty for offences.

168. Every officer and Clerk who is guilty of any wilful misfeasance, or any wilful act of omission in contravention of sections 119 to 167, inclusive, of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such malfeasance, act, or omission a penal sum of $400. R. S. O. c. 184. (46 V. c. 88, s. 167.)

Maintaining secrecy of proceedings at polling places.

169. Every officer, clerk, or agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent, or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk, and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(5) No person shall, directly or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

Penalty for contravening this section.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. c. 184. (46 V. c. 18, s. 168.)

Statutory declaration of secrecy.

170. The Clerk of the Municipality, and every officer, clerk, or agent authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secresy in the presence, if he is the Clerk of the Municipality, of a Justice of the Peace ; and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the Clerk of the Municipality ; and if he is an agent of a candidate. in the presence of a Justice of the Peace or of the Clerk of the Municipality, or of the Deputy Returning Officer at whose polling place he is appointed agent ; and such statutory declaration of secrecy shall be in the form mentioned in schedule H to this Act, or to the like effect. R. S. O. c. 184. (46 V. c. 18, s. 169.)

No one compellable to disclose his vote.

171. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted. R. S. O. c. 184. (46 V. c. 18, s. 170.)

Candidates may undertake duties of an agent.

172. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter, or a voter unable to read, under section 149. R. S. O. c. 184. (46 V. c. 18, s. 171.)

Expression in ss. 112-179 referring to agents.

173. When, in the sections of this Act numbered from 119 to 172, inclusive, expressions are used requiring or authorizing any act or thing to be done or inferring that any act or thing is to be done, in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates is are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. R. S. O. c. 184. (46 V. c. 18, s. 172.)

Non-attendance of agents.

Public holidays, etc., excluded in reckoning time under ss. 119-172, except for nomination and election of mayors, etc.

174. In reckoning time for the purposes of the said sections, Sunday and any day set apart by any act of lawful authority for a public holiday, fast, or thanksgiving shall be excluded; and where anything is required by this Act to be done on a day which falls on such days, such things may be done on the next juridical day: but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of Mayor and Aldermen in Cities, and Mayor, Reeve, Deputy Reeves and Councillors in other Municipalties. R. S. O. c. 184. (46 V. c. 18, s. 173.)

No electton to be invalid for want of compliance with principles of Act where result not affected.

175. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R. S. O. c. 184. (46 V. c. 18, s. 174.)

Expenses incurred by officers to be refunded.

176. The reasonable expenses incurred by the Clerk of the Municipality and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the Clerk of the Municipality by the Treasurer of the Municipality, and shall be distributed by the Clerk of the Municipality to the several persons entitled thereto. R. S. O. c. 184. (46 V. c. 18, s. 175.)

CONFIRMING AND SAVING CLAUSES.

Exceptions from repeal.

Boundaries of cities and towns.

Amherstburg.

Proclamations.

Special Acts.

671. Nothing herein contained shall be taken or construed to affect or repeal so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850 as defines the limits or boundaries of any Cities or Towns, being Schedule B of the Act of 1849, numbers 2, 3, 4, 6, 7, 8, 9, 10, and 11, and Schedule C of the same Act, numbers 1, 2, and 3, and Schedule B of the Act of 1850, numbers 1, 5, 12, 13, 14, and 15; and also so much of Schedule D of the said Acts of 1849 and 1850 as relates to Amherstburg, and also so much of section 203 of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations and special statutes by or under which Cities and other Municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. R. S. O. c. 184. (46 V. c. 18, s. 666.)

R. S. O. c. 175, not affected.

672. Nothing herein contained shall affect *The Act respecting the establishment of Municipal Institutions in the District of Algoma, Muskoka, Parry Sound, Nipissing, and Thunder Bay.* R. S. O. c. 184. (46 V. c. 18, s. 667.)

SCHEDULE A.

(Section 123.)

FORM OF BALLOT PAPER.

(1. *In the case of Cities.*)

FORM FOR MAYOR.

Election for the Members of the Municipal Council of the City of , Polling Subdivision No. , Ward No. . day of January, 18 .

FOR MAYOR.

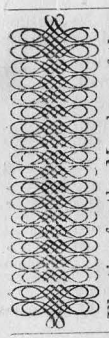
ALLAN.

Charles Allan, King Street, City of Toronto, Merchant.

BROWN.

William Brown, City of Toronto, Banker.

FORM FOR ALDERMAN.



Election for the Members of the Municipal Council of the City of , Ward No. , Polling Subdivision No , day of January, 18

FOR ALDERMAN.

ARGO.

James Argo, City of Toronto, Gentleman.

BAKER.

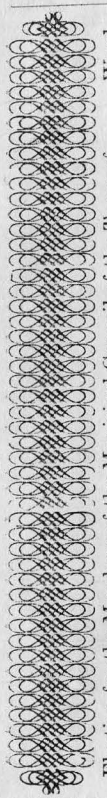
Samuel Baker, City of Toronto, Baker.

DUNCAN.

Robert Duncan, City of Toronto, Printer.

(2. *In the Case of Towns divided into Wards.*)

FORM FOR MAYOR, REEVE, AND DEPUTY REEVE.



Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18

FOR MAYOR.

THOMPSON. X

Jacob Thompson, of the Town of of Barrie, Merchant.

WALKER.

Robert Walker, of the Town of Barrie, Physician.

FOR REEVE (if any.)

BROWN.

John Brown, of the Town of Barrie, Merchant.

ROBINSON. X

George Robinson, of the Town of Barrie, Merchant.

FOR DEPUTY REEVE (if any).

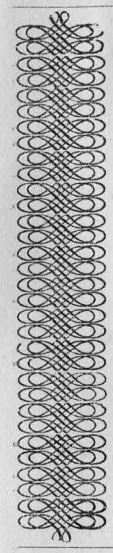
ARMOUR.

Jacob Armour, of the Town of Barrie, Pumpmaker.

BOYD. X

Zachary Boyd, of the Town of Barrie, Tinsmith.

FORM FOR COUNCILLORS.



Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18 .

FOR COUNCILLOR.

BULL. X

John Bull, of the Town of Barrie, Butcher.

JONES.

Morgan Jones, of the Town of Barrie, Grocer.

McALLISTER.

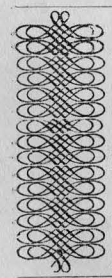
Allister McAllister, of the Town of Barrie, Tailor.

O'CONNELL. X

Patrick O'Connell, of the Town of Barrie, Milkman.

(3. *In the case of Townships divided into Wards.*)

FORM FOR REEVE.



Election of Members of the Municipal Council of the Township of , in the County of , Ward No. day of January, 18 .

FOR REEVE.

BARDELL

Thomas Bardell, of the Township of Peel. Yeoman.

SNODGRASS.

Alfred Snodgrass, of the Township of Peel, Yeoman.

FORM FOR COUNCILLORS.

Election of Members of the Municipal Council of the Township of , in the County of
Ward No. day of January, 18

FOR COUNCILLOR.

BULL.

John Bull, of the Township of York, Doctor of Medicine.

JONES.

Morgan Jones, of the Township of York, Farmer.

McALLISTER.

Allister McAllister, of the Township of York, Farmer.

O'CONNELL.

Patrick O'Connell, of the Township of York, Lumber Merchant.

RUAN.

Malachi Ruan, of the Township of York, Farmer.

SCHULTZE.

Gottfried Schultze, of the Township of York, Farmer.

WASHINGTON.

George Washington, of the Township of York, Gentleman.

(4. *In the case of Incorporated Villages and Townships not divided into Wards*).

Election of Members of the Municipal Council of the Village (*or* Township) of , in the County of
, Polling Subdivision No. day of January, 18 .

FOR REEVE.

BROWN.

John Brown, of the Village of Weston, Merchant.

ROBINSON.

George Robinson, of the Village of Weston, Physician.

FOR DEPUTY REEVE (if any.)

ARMOUR.

Jacob Armour, of the Village of Weston, Pumpmaker.

BOYD.

Zachary Boyd, of the Village of Weston, Tinsmith.

FOR COUNCILLOR.

BULL.

John Bull, of the Village of Weston, Butcher.

JONES.

Morgan Jones, of the Village of Weston, Grocer.

McALLISTER.

Allister McAllister, of the Village of Weston, Tailor.

O'CONNELL.

Patrick O'Connell, of the Village of Weston, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, &c.

46 V. c. 18, *Sched.* A.

SCHEDULE B.

(*Sections* 126 *and* 146.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross, thus ×, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will then fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning officer *as the case may be*), and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following forms of Ballot Paper, given for illustration, the Candidates are, for Mayor, JACOB THOMPSON *and* ROBERT WALKER; *for Reeve,* JOHN BROWN *and* GEORGE ROBINSON; *for Deputy Reeve,* JACOB ARMOUR *and* ZACHARY BOYD; *and for Councillors,* JOHN BULL, MORGAN JONES, ALLISTER MCALLISTER *and* PATRICK O'CONNELL; *and the elector has marked the first paper in favour of* JACOB THOMPSON *for Mayor,* GEORGE ROBINSON *for Reeve, and* ZACHARY BOYD *for Deputy Reeve, and has marked the second paper in favour of* JOHN BULL *and* PATRICK O'CONNELL *for Councillors* :—

Election for the Members of the Municipal Council of the Town of Barrie, Ward No. , Polling Subdivision No. day of January, 18 .

FOR MAYOR.	THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant.	X
	WALKER. Robert Walker, of the Town of Barrie, Physician.	
FOR REEVE. (if any.)	BROWN. John Brown, of the Town of Barrie, Merchant.	
	ROBINSON. George Robinson, of the Town of Barrie, Merchant.	X
FOR DEPUTY REEVE (if any).	ARMOUR. Jacob Armour, of the Town of Barrie, Pumpmaker.	
	BOYD. Zachary Boyd, of the Town of Barrie, Tinsmith.	X

Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18 .

FOR COUNCILLORS.	BULL. John Bull, of the Town of Barrie, Butcher.	X
	JONES. Morgan Jones, of the Town of Barrie, Grocer.	
	MCALLISTER. Allister McAllister, of the Town of Barrie, Tailor.	
	O'CONNELL. Patrick O'Connell, of the Town of Barrie, Milkman.	X

35
36
33
1c

SCHEDULE C.

(*Sections* 129, 130, 131, 132, *and* 303).

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Property in respect of which the Voter is entitled to vote.	Freeholder, Householder, Tenant, Farmer's Son, or Income Voter.	Residence of Voter	Objections.	Sworn or affirmed.	Refusal to Swear or affirm.	Mayor and Reeve.	Councillors.	REMARKS.

NOTE.—In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor;" and the column above headed "Councillors" will be headed "Aldermen."

In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."

46 V. c. 18, *Sched.* C.

SCHEDULE D.

(*Section* 135.)

CERTIFICATE AS TO ASSESSMENT ROLL.

Election to the Municipal Council of the
of 18

I, *A. B.*, Clerk of the Municipality of , in the County of , do hereby certify that the assessment roll for this Township, (*or as the case may be*) of upon which the voters' list to be used at this election is based, was returned to me by the Assessor for the Township (*or as the case may be*) on the day of , 18 , and that the same was finally revised and corrected on the day of , 18 .

Dated this day of , 18 .

A. B.,
Clerk.

(R. S. O. c. 184, 46 V. c. 18, *Sched.* D.)

SCHEDULE E.

(*Section* 149.)

FORM OF DECLARATION OF INABILITY TO READ, &C.

I, *A. B.*, of , being numbered on the voters' list, for polling subdivision No. , in the City (*or as the case may be*) of , and County of , being a legally qualified elector for the said City (*or as the case may be*) of , do hereby declare that I am unable to read (*or* that I am from physical incapacity unable to mark a voting paper, *as the case may be*),

A. B. (His × mark.)

The day of , A. D. 18 .

(R. S. O. c. 184, 46 V. c. 18, *Sched.* E.)

SCHEDULE F.

(*Section* 149.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ, &C.

I, *C. D.*, the undersigned, being the Deputy Returning Officer for polling subdivision No. , for the City (*or as the case may be*) of , do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above-named *A. B.*, was signed by him in my presence with his mark.

(*Signed*) *C. D.*,
Deputy Returning Officer for Polling Sub-Division No. , in the City (*or as the case may be*) of .

Dated this day of , A. D. 18 .

(R. S. O. c. 184, 46 V. c. 18, *Sched.* F.)

SCHEDULE G.

(*Sections* 155, 315 *and* 316.)

OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned Deputy Returning Officer for polling subdivision No. , of the City (*or as the case may be*) of , in the County of , do solemnly swear (*or if he is a person permitted by law to affirm*, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision No. of the said City (*or as the case may be*), was so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

(*Signed*) *C. D.*
Deputy Returning Officer.

Sworn (*or* affirmed) before me at , this day of A. D. 18 .

(*Signed*) *X. Y.*,
Justice of the Peace.
Or A. B.,
Clerk of Municipality of .

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

(R. S. O. c. 184, 46 V. c. 18, *Sched.* G.)

SCHEDULE H.

(*Section* 170.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (*or as the case may be*) of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of A. D. 18 .

C. D.,
Justice of the Peace (*or* Clerk of the Municipality of).

(R. S. O. c. 184, 46 V. c. 18, *Sched.* H.)